

**MINUTES OF MEETING  
FIDDLER'S CREEK  
COMMUNITY DEVELOPMENT DISTRICT #1**

A Regular Meeting of the Board of Supervisors of the Fiddler's Creek Community Development District #1 was held on **Wednesday, December 16, 2009 at 8:00 a.m.**, at the **Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**

**Present at the meeting and constituting a quorum were:**

Phillip Brougham	Chairman
James Curland	Vice Chairman
Jim Schutt	Assistant Secretary
James Robertson	Assistant Secretary
Robert Slater	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Operations Manager
Terry Cole	District Engineer
Carlo Zampogna	District Counsel
Mike Charbonneau	Director Safety, Fiddler's Creek Foundation
Ron Albeit	GM, Fiddler's Creek Foundation
Jim Vajen	Golf Superintendent
Manny Correia	Supervisor, FCCDD #2
Gretchen Scott	Supervisor, FCCDD #2
Victoria DiNardo	Supervisor, FCCDD #2
Peggy Schmitt	Supervisor, FCCDD #2
Kathleen Smith	Resident
Jack Perrin	Resident
Chuck Salvaggione	Resident
Florence Montgomery	Resident
Mrs. Robertson	Resident
Don LaGrega	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

The meeting was called to order at 8:00 a.m. Mr. Adams announced that all Supervisors were present at Roll Call.

**SECOND ORDER OF BUSINESS****Update/Discussion: Title Work Related to Foreclosure Claim**

In Ms. Barrow's absence, Mr. Adams provided a brief update. He indicated they are still working on the title work and Ms. Barrow is finalizing the Complaint. He advised he sent her several documents late last week to assist her in finalizing the Complaint. He noted, at this stage, he expects the Complaint to be ready to go and they are just awaiting the title work, so they can file the Complaint after ensuring that the bondholders are ready to file.

Mr. Brougham asked for an estimation of when the title work will be completed. Mr. Adams stated he could not estimate a completion date. He said possibly by January's meeting, they may be able to advise the Board that they have everything back and they are ready to file, and in that meeting, they will contact the bondholders to confirm that they are ready to file.

Mr. Brougham stated he noticed for CDD #2 and CDD #1, there is a significant number booked for legal expenses associated with these foreclosures. He asked how quickly that will be reimbursed by the bondholders. Mr. Adams explained it is coming from the bondholders' money; it is being transferred from the construction funds into the general fund so the checks can be written and they are offsetting amounts related to invoices received. He advised, as they receive invoices, they are periodically forwarded to the trustee for a funding distribution from the remedial account, which is essentially a percentage contribution from the various construction funds that this foreclosure affects. The monies are transferred into the operating account, the checks are written from the operating account and there is an exact offset to that expense.

Mr. Curland asked who signs off on the Complaint itself. Mr. Adams responded it will be circulated through bondholder Counsel, Julio Aponte and Warren Bloom. He stated once the attorneys and Staff are comfortable with it, it will come before the Board. Mr. Curland asked if the Board has the final say. Mr. Adams responded the Board has a chance to review it and if there are any questions, Staff will answer them. He advised the Board will rely on Staff to properly prepare the Complaint.

Mr. Brougham wished the Board and Staff a Merry Christmas and thanked them for their work throughout the year.

Mr. Correia asked if everything is in place and in mid-January, if the bondholders indicate they are ready to file the Complaint, will they begin another one (1) or two (2)-year cycle where they have to wait in some type of queue, since there are so many foreclosures

around? Mr. Adams responded they are anticipating a six (6)-month minimum, depending upon the defenses. Six (6) months will be the best case scenario, limited to no defenses. Assuming they do receive some defenses, it may take six (6) to 12 months and, if it is heavily defended, it may take 12 to 18 months. Mr. Correia stated the developer is in a position where he can procrastinate. Mr. Adams stated he can continue to defend and draw the process out. He indicated he has been contacted by several mortgage holders on some of the properties that are subject to the foreclosure and they have expressed an interest that, at the very last minute, if it looks like filing is eminent, they want to pay the outstanding amount and remove those properties from the foreclosure, protecting their interests. He noted this as the original list the Board saw and may not be the final list.

Mr. Brougham asked the Board if it would be more productive to discuss the potential exit traffic management proposal prior to discussing the Post Orders because it could directly affect this item. The Board agreed.

**THIRD ORDER OF BUSINESS**

**Discussion: Directed Exit Traffic Management Proposal**

***\*\*\*This item, formerly the Fourth Order of Business, was presented out of order.\*\*\****

Mr. Brougham stated they asked Mr. Charbonneau and Mr. Albeit to look into the potential of the TEM software, which is the software that controls the gate's entry and exit. The software will facilitate the issuance of different classes of guest passes, which would delineate which entrance gate they can come into and exit from and potentially prohibit someone with the wrong type of class of pass to exit a gate without authorization. He asked Mr. Albeit what he found with TEM and the capabilities.

Mr. Albeit stated TEM reported that they can make the change. He read the following for the record:

*“The changes we discussed for the passes require a sizeable modification to the gatehouse software. The enhancement would have to be made to the administrative module at the guard workstations. Our plan is to modify the guest passes’ routines to add functionality, similar to the functionality of the resident credentials and employee credentials. This would mean adding functionality and allow the administrator for each type of pass to assign which gate it is valid at*

*and what time frame it is valid for. For example, you might have a construction pass, which is coded only to be good at Sandpiper gate and is only valid from 7:00 a.m., to 7:00 p.m., on weekdays only."*

He reported the estimate was 40 hours at \$135 an hour, which came out to about \$5,400. This will require TEM to develop, code and test the software changes to the various machines in Fiddler's Creek. Mr. Brougham asked if TEM cited a timeframe. Mr. Albeit responded, considering the holiday schedule, the project would probably take 20 days lapse time, from the Board's approval to when they deliver the final product.

Mr. Albeit stated Mr. Charbonneau would have some concern about backup at the gates if somebody does not have the right credentials, or forcing vehicles to travel through the property, when they could exit at the most convenient place possible. At Championship, for example, if someone does not have the right credentials, there could be a backup on the way out of that gate. He asked the Board to consider that they have not really finalized the egress portion of the Post Orders. When somebody gets stuck at the Championship gate and they are in a backup situation, Mr. Charbonneau has found that they will go out the ingress, which is very dangerous. Mr. Brougham asked Mr. Charbonneau if they would do that, rather than activate the remote control to get assistance. Mr. Charbonneau responded, to save time, they will purposely go behind the gatehouse and out the inbound lane. Mr. Schutt asked if the guard has witnessed them doing that. Mr. Charbonneau answered it is after hours. Mr. Brougham stated the Post Orders, which they are presented with this morning, do not address the proposed changes in the exit procedure.

Mr. Brougham asked if the current software tracks, by guest pass, what gate they came in and what gate they came out of. Mr. Charbonneau responded affirmatively. Mr. Brougham stated, for example, on a given day, if they tracked 5,000 vehicles inbound through Championship, after changing it to unmanned, they could also say there were 4,000 outbound or there were 10,000 outbound, without any other restrictions. He explained he was trying to get an idea of the capabilities of the current software to get a handle on where the traffic is flowing; in other words, the volume coming in through a certain gate and the volume going out of the same gate. He reiterated, with the current software, they can say that 5,000 guest passes entered through Championship and 5,500 exited through Championship.

Mr. Schutt stated when they were doing the study, between September and October, they found they had data, but did not have the capability to analyze the data. All they had were broad

numbers. He asked Mr. Charbonneau if Mr. Brougham comes in the front gate and exits the back gate, can he identify, specifically, that activity and pull it up, saying we know that on this day he came in here and went out there. He asked if the software has that capability. Mr. Charbonneau asked versus if it was by name or just that the vehicle came in one gate and out another. Mr. Schutt stated not just vehicle by vehicle. He advised the problem he has with what he has heard so far is that they are talking about gross numbers; depending upon the time of day, they do not know if they are dealing with the same group of people. In other words, if there were a mass exodus of residents, it does not represent the same people that came in. Mr. Brougham advised that was not his question.

Mr. Charbonneau stated clicker specific, if he wants to look up Mr. Brougham, he can look up his identification and he can tell them where he came in and where he went out. Mr. Schutt stated you can pull up his whole activity. Mr. Charbonneau responded affirmatively. He added the report they were asked to generate just says Members, Residents, and those transactions; it was not broken out separating trucks, vans, etc. Mr. Brougham stated his question does not have to do with the exit restriction. If they can have two (2) broad classes, clickers versus guest passes, certain classes of guests will not come in through Championship. He was wondering if the current software can track the number of entrances through each gate, versus the number of exits, particularly to distinguish between clickers and guests. Then they can see if they are having a problem in that they are restricting the ingress, particularly through Championship, but there is a flood of exits through Championship. Mr. Schutt stated they have heard in the past that the residents along Championship are concerned about that very thing.

Mr. Curland stated you are asking me to spend \$5,400 and I have nothing in front of me to show what will happen for that money. He said he talked to Mr. Albeit about this two (2) months ago and they are a month out on getting this done, as far as coming up with a methodology and how to do the computer program to control ingress and egress. Mr. Albeit said TEM says they can do it. Mr. Curland asked, "Do what, though?" Mr. Albeit indicated he just read it to them; they are going to provide specific identification. They have four (4) databases. He explained they are able to take the commercial vehicle and assign it specifically, saying this credential is only good for Sandpiper and the main gate. That is how detailed the database is broken out, so they can do exactly what the Board requested. That is what this enhancement does. He stated they will take every pass and expand the database that says this credential can be

restricted to the time of day and the day of the week that a person is allowed to enter the property or exit it. He advised if they only want members' clickers to be used on Championship and no other gate, they can do that.

Mr. Curland stated they said January 4<sup>th</sup>, they would have this functional and they are making Championship an unmanned gate. Mr. Brougham stated that is going to happen. Mr. Curland said that has not solved the problem of ingress and egress. Mr. Albeit stated they can still unman the gate. Mr. Curland stated they have not reached the finality of meeting the requirement that was passed by this Board as far as having it unmanned and for ingress and egress residents only. Mr. Albeit indicated the sign is up, the equipment is there. He explained that the implementation plan that the Board received did not have one over the other; one did not depend on the other. The plan was not based on software changes. He stated the implementation plan can still take place on January 4<sup>th</sup>, as laid out at the last meeting. This was an additional enhancement. He noted there are two (2) separate issues. The technology is there to turn the switch on January 4<sup>th</sup>.

Mr. Curland stated it seems to him that they are dragging their feet on this and he saw nothing in the Boardwalk that talks about making Championship a "Members Only" gate and he saw nothing on the membership's website that discussed making Championship a "Residents Only" gate on January 4<sup>th</sup>. Mr. Albeit apologized and indicated it was sent to the residents on the Members Forum. Mr. Curland advised he checked it this morning and there was nothing there and there was nothing on the Boardwalk. Mr. Albeit stated he will pull the communications that went out explaining to the residents that this is coming. Mr. Curland asked Mr. Albeit to show him, in the Boardwalk, where it talks about this issue. Mr. Albeit responded he was not sure it was in this issue, but he assured Mr. Curland that it had been posted and he indicated he would get him copies. Mr. Albeit stated it is a CDD matter as well; he thinks the Foundation is the place that they like to communicate, but this is a CDD matter and they did communicate. Mr. Curland indicated it has to be something that is continuing; it cannot be a one-time shot. There are residents that read this, they look at the Forum. Mr. Albeit stated he does not know how often it was communicated, but he said communication was sent out regarding the change in the gate access. Mr. Curland stated the only thing he has seen talks about Sandpiper.

Mr. Brougham stated, just to be clear, the transition plan is still in place that was approved at the last meeting. He added by January 4<sup>th</sup>, the first phase will be implemented and

the Championship gate will be accessed with valid credentials only. There is a sign that states there will be no guard present. That is the first phase that the Board approved. They will look at the communications to see if it can be improved and noted he has seen them on the Forum and other places and indicated perhaps it was not specific enough in that Championship will go unmanned on that date, but it did speak to the broad issues and the Sandpiper gate. He stated there are still some issues with the Sandpiper gate that they will get into later, as far as how that plan is going.

Mr. Brougham stated as he understands it, on January 4<sup>th</sup>, the plan is still in play to unman Championship gate and only allow ingresses with a clicker or a guest pass. Mr. Charbonneau stated Staff indicated they have been confiscating all of the permanent and visitor's passes from people. Mr. Brougham asked if a house guest with a valid pass can get in that gate. Mr. Charbonneau responded affirmatively. Mr. Brougham stated the delivery vehicles have been redirected and will not be allowed in. Mr. Charbonneau advised they began on October 6<sup>th</sup> and noted there are still stragglers, but they are given a map.

Mr. Brougham indicated there were members of the community present and he wanted to hear from Staff, as well as CDD #2 Board Members. He advised that he felt it was important that they hear from the CDD #2 Board Members first; then, he will structure it so that they hear from Staff, they hear from the Audience, then they close the Audience and the Board has a discussion and makes a decision.

Mr. Correia indicated he has seen the posting regarding Championship Drive in quite a few places, on the Forum and others. He advised he was concerned that he did not realize that the plan had already been agreed to, to prohibit the exit. Mr. Brougham indicated it has not been; that is the item before the Board. Mr. Correia stated this is where he and Mr. Schutt will be on the same page and it would be nice if they had all of the data. He said it may be that they are measuring things that do not need to be managed. On Championship Drive, there are large vehicles there all the time; there is a lot of landscaping in that area, there are hoses crossing the road and on the Parkway, as well. He stated it is important that they measure things to see what kind of a problem exists before they do something elaborate, so they have to go through the software to see what is going on. They may not have a big problem. Mr. Brougham rephrased Mr. Correia's statements, saying they may spend some money to solve a problem that may not eventually exist.

Ms. Scott stated she still believes that people should be allowed to exit the most convenient gate, so they cut down the traffic flow through the overall community. She added they still need to consider the residents of CDD #2, so that they are not burdened with a huge amount of traffic out that way.

Ms. DiNardo stated her opinion is that they are talking today because CDD #2 has not been fully developed and they need to keep that in perspective and, if what they are doing today is not done correctly, it will have to be readdressed, because those other citizens will be complaining the way CDD #1 is. She thinks they need to keep the total picture in mind for the entire community. She said they are making it very inconvenient for the residents and noted that if the residents call for service, they will probably be last on the list because of the difficulties of traveling through the community. Ms. Scott advised she already had that happen to her and said, if the same thing happens to someone in Cardinal Cove and the person wants to go out Championship, he should be able to go out Championship.

Mr. Brougham indicated Ms. DiNardo's comment was "right on" and that the security and gates, the construction and the operation, will be an ongoing issue that will mature as the development matures. He added any decisions made today can be reconsidered in the future, as circumstances change. He stated, as the population increases in Fiddler's Creek, the traffic concerns will be different and they will be changed and they will have to be flexible enough to react to the issues at that point in time.

Mr. Brougham asked if there were any further questions from the CDD #2 Board Members. Mr. Robertson stated he differed with Ms. DiNardo on one (1) thing: they were not there to worry about the convenience of their daily contractors, but to talk about the convenience of the homeowners and residents there. He said if the contractor is inconvenienced to the point that it costs him more, he will charge the residents more because they want to send him to the Sandpiper gate. He said that is not an issue.

Mr. Brougham opened the meeting up to the Audience for any comments they wished to make regarding the exit item. He stated this is to consider controlling and restricting the actual gate that people can, with guest passes, exit from. He said today, there are no restrictions at all and the possibility is that they could put restrictions in with the software change.

Ms. Smith indicated she addressed the problem with Mr. Albeit and Mr. Charbonneau that people have two (2), three (3) and four (4)-year-old passes. Her suggestion was that Mr.

Charbonneau be at the Championship gate and be more proactive in pulling those old passes. Mr. Brougham asked if this was concerning the exit procedure. Ms. Smith responded affirmatively, stating they do not even know some of these vendors; they are buzzing them in and then they leave through Championship with old passes. Mr. Charbonneau indicated they are taking passes away; procedurally, they will handle the confiscation through the implementation plan, as laid out. Ms. Smith stated the back gate has been open for the last several days on Championship. Mr. Brougham stated it needs to be fixed; that is something that has occurred off and on, over the last ten (10) years. He stated the alternative is to put it down and close the gate. Mr. Schutt stated the question is, what is wrong with it and when are they going to get it fixed. Mr. Charbonneau indicated it is mechanical and he does not have the exact date. The part has been ordered from TEM.

Mrs. Robertson, a resident, stated she thinks that they should actually have the data studied as to where the traffic is going before they make people go all the way back to Sandpiper. A study should be done to see how bad it is; otherwise, the traffic will get worse because people will not only travel down Championship, they will have to go back to Sandpiper and it makes no sense to do that.

Mr. Chuck Salvaggione, a resident, stated some vendors can come in through the main gate and he asked if those same vendors, which will be on Mulberry or Cardinal Cove, will be able to go back out through the main gate. Mr. Brougham answered right now, yes. Mr. Salvaggione asked if they will be discussing whether that will continue. Mr. Brougham responded they will be discussing as to whether they want to put the software capability in place to issue different classes of guest passes, that will restrict or control what gate they can exit from. That is the item on the table.

Mr. Jack Perrin, a resident, stated his mailman comes in Championship and services about five (5) or six (6) communities along that corridor and he leaves by that gate. Mr. Brougham indicated there are no restrictions on postal carriers. Mr. Charbonneau stated they will not be able to get in Championship because they have no access credentials. Mr. Adams stated there is no access credential and there is not an officer there to waive them through. Mr. Brougham asked about county vehicles. Mr. Albeit responded they are going in through the front entrance.

Ms. Florence Montgomery, a resident, stated she thinks they should be able to go out the nearest exit. She noted she had Conde come out the other day to fix her air conditioner and they were under the impression that they had to go all the way to Sandpiper to come in. She stated she told them they could leave the other way. She said she learned at the Foundation meeting that they could also come in through the main gate if they were coming from Marco Island, but they did not realize it. Mr. Brougham stated it will take some time and the cooperation of all of the homeowners to get the word to their household service people that, as of January 4<sup>th</sup>, it is permitted that those types of people can come in either through the main gate or through Sandpiper.

Mr. Albeit stated the vehicles that are delivering to Cardinal Cove will end up going right back out through that traffic, if there is a concern about traffic along Deer Crossing and forcing them to come back out that way. For the record, he showed them the implementation plan and referred to the communication on gate access that was in the Members' Forum, the communication posted on the Members' website and he added that it was an agenda item at the Foundation meeting.

Ms. Brougham stated she agrees that small delivery vehicles and small trucks should be allowed to leave by the closest gate. She said the big delivery trucks and landscapers should be restricted to Sandpiper.

Mr. Brougham closed the Audience Comments on this subject and indicated there would now be discussion amongst the Board. He noted they can still question the Staff and get clarification on anything they do not quite understand.

Mr. Slater stated he is not sure they really need the data that Mr. Correia suggested. He said the small trucks should go out wherever they happen to be at their last stop. He noted they should consider Fiddler's Creek as a whole, and not by individual communities.

Mr. Robertson stated he thinks the Board is spending too much money. He said they are talking about spending money to make a major modification to the TEM software contract and they do not know what it is going to do to the traffic pattern. He indicated he is totally opposed to spending money on the TEM contract, at this point.

Mr. Schutt stated in the October 28<sup>th</sup> meeting, the Board agreed to a proposal by Ms. Pat Schiavo, relative to Option #4, and in that option, which they agreed to, with a slight modification, "*unman Championship Drive, man Sandpiper, limit the opening of the main entry*

*point, which would be the main entry point, to residents, occasional vendors, cleaning personnel, plumbers, electricians...*" and all these people they are talking about, "continue to direct all commercial and construction vehicles to Sandpiper, redirect (and this was the big issue) all large daily service vehicles, landscapers, pool service, as well as large delivery vehicles, i.e., box trucks, tractor trailers, food and beverage delivery trucks, car carriers, furniture delivery trucks, etc., to Sandpiper. Additionally, require employees to use Sandpiper entry, etc." and that was the modification. They modified that to allow employees to come in wherever it was accessible to them. For example, they heard complaints about people coming from Marco that would come from Goodland and Sandpiper gate would have been perfect for them and they were told that they had to come all the way around, so it was the reverse of what everyone is talking about. They had people that wanted to come in Sandpiper and could not come in Sandpiper; now they have people that do not want to come in Sandpiper, etc., but they have made an accommodation already. He stated the casual person that comes in, such as a delivery person, can come in the main gate and go out wherever he wants. They adopted that. They need to keep their promises. The Post Orders have to reflect that and they already agreed what they were going to do and if they say they have to come in Sandpiper, that big delivery truck has to go out Sandpiper. If they let it come out on Championship, they are giving Championship "half a loaf".

Mr. Brougham stated he agrees with what Mr. Schutt just said, that all major construction, heavy equipment, landscape vehicles, the big box trucks, the delivery trucks, etc., should be restricted from exiting Championship gate and should be constrained to exit on Sandpiper. He said he does not agree at all that the rest of the people, the small vendors, etc., should be restricted in any way; nor should they spend any programming money to restrict all those other people from exiting the nearest gate they can get out of. If they adhere to what they passed at the last meeting, or two (2) meetings ago, that they restrict the entry points and the exit points for heavy vehicles; he does not know what programming change would be to do that. He said he was sure it would not be \$5,400. He said the small guys and house guests should be allowed to come and go, if they have the proper credentials, through any gate and exit any gate that is convenient. He added the others should be restricted to coming in and out of Sandpiper.

Mr. Albeit stated it is a requirement to change the database; specific identification will require a database change.

Mr. Brougham stated, with the programming change, basically you change the capability and to get the one (1) restriction, you have to make the change and it would allow, in the future, to further squeeze them down.

Mr. Albeit stated pushing the traffic back down Championship is what you are suggesting; the traffic that they are trying to avoid coming down Champion, when they are exiting Hawk's Nest from Cardinal Cove. You want them to come right back down Champion to leave. Mr. Brougham stated on major construction vehicles.

Mr. Curland stated let us assume I am Conde and coming from Marco Island and I come to the gate and the guard asks where I am going. I say I am going to Jim Curland's house in Deer Crossing and the guard gives me an entry pass and I am coming in through the main gate, because that is the entry gate that is most convenient. The guard asks if I have any other deliveries for any other residents in Fiddler's Creek? He asks where I am going to end up when I am done. I indicate I am just going to Mr. Curland's house and no one else. The guard says for Deer Crossing, it makes sense for me to go out Championship, rather than come all the way back around, so let him issue the pass on that basis. He asked, why do all of this technology. Mr. Albeit stated the software change will allow you to restrict them any way you want. It is very technical. Mr. Curland stated let the gate guard that is issuing the pass interview the guy and get the information as to where he is going.

Mr. Adams stated if he is hearing the conversation correctly, those that currently meet the construction vehicle definition, per the latest revision to the Post Orders, which also includes the box deliveries and all to residences, as well as The Rookery and Club and Spa big box deliveries, would be the ones that would be required to go back out the gate they came in and that is only the Sandpiper gate, at this point. He added all other guests would be allowed to exit any gate they wish, and that would be programmed accordingly, so you would have two (2) differential passes, essentially. He indicated there will be one (1) for "all others" and one (1) for construction vehicles. Mr. Robertson stated the gate guard that works for the Foundation, as their contractor, can recognize a big truck as it comes in, as opposed to a small van and he can direct them to the proper gate. Mr. Adams stated they are only going to be allowed to come into Sandpiper anyway, but what they are looking for is more assurance that, in fact, that is exactly what is going to happen and they all recognize that there is a transition and training period for the

delivery people and he indicated he really expects there will be some issues at Championship, for the short term.

Mr. Brougham wanted to clarify where they are right now in this discussion. He stated what they have just been discussing is a software programming change, for \$5,400, that provides the capability to split "guest passes" into two (2) classifications. The heavy duty delivery trucks, semi trailers, large landscape companies and big box trucks will get Class 1 and they are only in and out Sandpiper. The other class will be "guest passes", which will have an expiration date and can enter and exit any egress lane at any gate.

Mr. Adams stated on that secondary class, there is a further restriction in that not all of that class is allowed to come in Championship. Mr. Albeit stated they thought of four (4) classes. Mr. Brougham stated Championship is to be preserved for gate clickers, visitors, bar code and Staff bar code.

Mr. Schutt stated he likes the idea that the guard has the capability of generating a pass that says, "You come in here and you go out there". The guard can look at a pass and say this person is servicing whomever in Hawk's Nest and he wants them to go out Championship, because it is the shortest route. He comes in the main gate and he is directed to exit out Championship and that gate pass lets him go out Championship and it says on the gate pass, "you came in here and you go out there". He asked Mr. Albeit if he has that capability. Mr. Albeit responded he believes they can split it out any way, but indicated he would not suggest that they do it on a 1-1 basis. He said they have four (4) classes. Mr. Brougham stated the more classes they put on it and the more options they give to a gate guard, the more issues they will have and the more potential backups they will have. If they keep it simple, they still have the capabilities within the software change to make it more complex, if they still feel there is a problem. He stated they have started and they will complete significant changes to their security program in this development. They are going to make significant changes to their Post Orders. They will probably have new faces at some of the gates that have not been there before. He suggested taking it slow on adding more complexity immediately.

Ms. Scott stated she was wondering if everybody would be comfortable putting the software on hold until they determine if they really do have a problem. She said if they do, in a couple of months, if there is a huge problem, they can launch that software.

Mr. Brougham made a motion that they approve the letting of the contract with TEM, subject to some oversight on the specifications. He stated he would like something from them that specifically states the functionality that will be available after this change and then they can approve that at the next meeting. He indicated he will make a motion that, subject to approval next month of the specs, that they approve the letting of a contract to TEM to provide them the functionality to restrict or designate the exit gate for any and all traffic.

**On MOTION by Mr. Brougham and seconded by Mr. Curland, with all in favor of, and Mr. Robertson opposed, approving the letting of the contract with TEM to provide FCCDD #1 the functionality to restrict or designate the exit gate for any and all traffic, subject to approval of the specs next month. (Motion passed 4-1).**

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2010-1, Adopting the Amended Post Orders of the District (*deferred from November 18, 2009 Regular Meeting*)**

***\*\*\*This item, formerly the Third Order of Business, was presented out of order.\*\*\****

Mr. Brougham indicated there are two (2) ways to go. He stated the guards have Post Orders that are out of date. Since they do not have the functionality document in front of them, they cannot predict when the changes will be available and implemented. He suggested reviewing the Post Orders, as presently presented, make any minor changes and then adopt them, so they can get them out to the security personnel; otherwise, they will be faced with another month of not having up-to-date Post Orders. He asked if the Board was in agreement. Mr. Schutt stated they can always change the Post Orders.

Mr. Brougham went through the Post Orders page by page and asked for any changes.

The following changes were requested:

Page 3: Eliminate this page entirely

Page 6: Change "Time Warner" to "Comcast" and reformat TruGreen

Page 8: Mr. Schutt suggested changing the "Construction Vehicles and Equipment" paragraph, indicating it is ambiguous and he stated he will call upon Ms. Schiavo's definition, because they have adopted her initial proposal, Option #4. He stated instead of saying

“Construction Vehicles and Equipment”, this whole thing has been about construction vehicles and commercial vehicles. He read:

*“For purposes of these Post Orders, “large daily service vehicles” are defined as box trucks, tractor trailers delivering furniture, other household items and/or construction materials to existing residences, large daily service vehicles, including landscapers, pool services, food and beverage deliveries to the Club and Spa, and The Rookery. “Construction vehicles” are defined as any vehicle or motorized equipment normally associated with new construction. These vehicles include, but are not limited to, tractors, dump trucks, dumpster delivery vehicles, cement trucks, asphalt trucks, tractor/trailers including ‘low boys’, flatbed trucks, glass trucks, boom trucks, bucket trucks (cherry pickers), front end loaders, bull dozers, back hoes, bobcats, Caterpillars and other similar vehicles and motorized equipment. All large commercial vehicles arriving at the Championship Drive gate, or Main Gate, should be redirected to the Sandpiper Drive gate entrance.”*

He stated that is exactly what they have been talking about and exactly what they agreed to.

Mr. Brougham stated the only problem he has with this is they do not yet have the capability to restrict the egress. Mr. Schutt stated that is what they are working on. They said they would have the Post Orders recognizing that and get them into people’s hands. Mr. Brougham stated what they talked about two (2) minutes ago was, until they get the proposal and get an implementation date on the software change, they would adopt the Post Orders without that capability or without those words on exit control in there. If they want to put that language in, it will be proactive language. It will not be able to be implemented.

Mr. Brougham noted he likes Mr. Schutt’s proposal. The paragraph titled “Construction Vehicles and Equipment” will be replaced with Ms. Schiavo’s option, as read into the record by Mr. Schutt. Mr. Albeit asked if it mentions The Rookery and Mr. Adams responded affirmatively. He stated it is the same, but inserts a commercial definition, as well.

A Board Member indicated TruGreen will be the exception. Mr. Brougham asked Mr. Albeit to put a note in the Boardwalk, or whatever the next bulletin is, that TruGreen, since they are the contracted landscaper for both Districts, as well as numerous villages, will appear on Championship Drive. A Board Member suggested putting an extra bullet in the Post Orders

saying TruGreen is authorized to use all three (3) exits. Mr. Adams indicated they will call it "CDD Landscape Contractor" and keep specific names out of it.

Mr. Brougham suggested removing Holiday Hours for Construction Traffic. He stated all it was trying to do, in the old days, was state that the Collier County Ordinance prohibits construction activities on these dates. All were in agreement.

Mr. Brougham stated on Page 11, at the top, at the end of the first sentence, it says "Main Entrance". He thinks they need to be consistent and say "Fiddler's Creek Parkway Entrance", as that is the way it is referred to in previous pages.

Mr. Robertson stated on Page 15, under "Use of Vehicle Flashers", he wanted to add a clause after "violate traffic laws", saying "commensurate with the needs of the emergency being responded to".

**On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor of approving Resolution 2010-1, Adopting the Amended Post Orders of the District, as amended.**

**FIFTH ORDER OF BUSINESS****Approval of November 18, 2009 Regular Meeting Minutes**

Mr. Brougham stated the next item is the approval of the minutes of the November 18, 2009 Regular Meeting. He asked for any additions, corrections or deletions.

The following changes were requested:

Line 11: Delete "(via telephone)"

Line 29 and throughout: Change "Vagen" to "Vajen"

Line 33 and throughout: Change "Berander" to "Verinder"

Line 36 and throughout: Change "Mesnocker" to "Messmaker"

Line 39 and throughout: Change "O'Hye" to "Ohye"

Line 40 and throughout: Change "Polker" to "Fulker"

Line 40: Replace "Resident" with "Cardinal Management"

Line 152: Change "was" to "were"

Line 163: Change "1.92%" to "1.2%"

Line 225: Change "Mr. Faulker" to "Mr. Fulker"

Line 254: Change "Villagio" to "Bellagio"

Line 284: Strike the word "the"

Line 436: Change "Mesnocker" to "Messmaker"

Line 442: Change "Montreau" to "Montrea"

Line 473-474: Change "Ms. Schmitt" to "Ms. Smith"

**On MOTION by Mr. Brougham and seconded by Mr. Schutt,  
with all in favor of approving the November 18, 2009 Regular  
Meeting Minutes, as amended.**

### **SIXTH ORDER OF BUSINESS    Other Business**

Mr. Brougham stated he received a phone call from Mrs. Craven, who lives in Mallards, about a week or ten (10) days ago. She was calling him to call an 800 number for the people that are in charge of the security software on her new Cadillac crossover because she was trying to program her visor button to operate the gate arm and it wouldn't work. She called Cadillac, they gave her a number to call and they told her she has to get in touch with the people in charge of her gate software. Before he called her back, he called the 800 number and figured out how they got this name, because it is CDD controlled. He advised this company is called Lear2CarU and it manufactures a software package that they are putting in Cadillacs now that facilitates the garage door opener, etc., and they said in order for her car software to operate the gate, they would have to install a receiver to go in a vacant port on the TEM computer at the gate. He was told that TEM's gate software has the capabilities, but it does not recognize their software signal, so the CDD has to put their software on the computer so that their software can talk to it and open the gate. Mr. Brougham indicated he talked to Mr. Charbonneau and Mr. Albeit and found that this is only one (1) of at least two (2) companies, the other being Homelink, that are now putting this specialized software in their vehicles. He advised he has not spoken to Mrs. Craven because now the issue is if the CDD were to proceed to install these "gizmos", it opens their gate operating software to anyone that happens to have a Cadillac of this vintage, with this piece of software in their onboard computer. They can pull up to the gate and program it to allow access in and out. Furthermore, it would completely eliminate the control they have over the gate clickers, because when someone sells their house and moves out, Mr. Charbonneau wipes out all of their guest passes and disables their clicker. He indicated it is his opinion, and he asked for

the Board's input as well, that they should not do this because they have spent a lot of money on their security software, they are tightening their controls, they are restricting who can come in and out of the gates and they might as well take the gate arms off. He said he would be more than happy to convey the opinion of the Board to Mrs. Craven.

Mr. Slater suggested adopting a resolution stating what they have is what they get.

A resident stated if they do install it, they would still have to physically have their hand-held clicker and program it and that will send out only that signal so that Mr. Charbonneau's current software will recognize that it is their vehicle. Mr. Brougham stated the only way they can get in and out of a gate is with a clicker; even if they have that software on their car, they will not allow it to work. The resident indicated that his does. Mr. Brougham stated if it does, he has no objection. Mr. Schutt stated they are not going to modify their computer to handle specialized applications. Mr. Brougham asked Mr. Adams to draft a resolution for the next meeting.

## **SEVENTH ORDER OF BUSINESS      Staff Reports**

### **a.      Attorney**

There being no report, the next item followed.

### **b.      Engineer**

Mr. Cole indicated he passed out Draw #41, which is for the CDD #1 2005 Series Bond, for \$7,739.60 and it was primarily involving work related to the Belle Meade grade clearing. He stated the Environmental Consultant has prepared the first monitoring report and it looks like everything is in good shape to get the county out there to do an inspection so that they can move forward to transfer the preserves from the developer to the CDD. He noted, depending upon how far back the county wants to go, they may have to wait. He said the monitoring report has 25 different photo stations showing pictures of vegetation, or the lack of exotic vegetation, so the county may not desire to go all the way back. He stated there will be continued spraying and monitoring. They have eradicated the large peppers that were there for years from the old agricultural operations.

Mr. Schutt asked if all of these draws are being approved by the trustees. Mr. Cole stated, to clarify and help facilitate future draws and payments, in the past, there was some confusion as to whether a draw was approved or not. He advised from here on, they have a list,

from the September 21<sup>st</sup> list that he prepared for each of the bonds, for both CDDs, that listed all of the work that will be completed. He noted all of his certifications will include the statement: "I certify that the payment requested is for work included within the bondholder approved itemization of probable cost to complete work in progress dated September 21, 2009 for \_\_\_\_\_ bond." He added, if there is a work item that in their opinion needs to be considered as extra, they will bring that up.

Mr. Brougham stated there was some confusion over the last 30 days about payment for approved project work that had been performed two (2) or three (3) months in advance of that by some small vendors and large vendors, but the small vendors, particularly, were dying because they had not gotten paid. He said hopefully, this will clarify any future confusion. He asked who actually writes the check. Mr. Adams responded that the trustee does. He said that is another layer of review and accountability because the trustee forwarded to them the bondholder approved list that he forwarded on to Mr. Cole and the Board. Mr. Brougham asked if they are not on board to expeditiously issue checks. Mr. Adams stated that was the real issue. There was a large burden of work during that specific time period. He believes it was a one (1)-time event. Mr. Brougham stated Mr. Strain's position to him was unless this gets resolved for the future, he will be reluctant to hire any contractors to do any work for the District because he has no assurance they will get paid in a timely fashion. Mr. Adams acknowledged there was a level of frustration.

Mr. Cole stated the next item is the Championship Drive work with the sidewalk connections. He reported that he forwarded the information regarding the signposts to Mr. Albeit and he responded back to him that the Design Review Committee said "no"; they want to keep the same signposts they have, with the base, and they amended their sign locations to try to reduce the number of signs and he reduced the number by four (4). He said basically, when you enter the community, before Hawk's Nest, there will be an advance warning sign showing the pedestrian crossing ahead. At every crossing, there is a sign that has a person walking and an arrow showing the crossing. He indicated there will be a lot of signs, but he, as the Engineer, has liability and he has to have them located where they are. There will be 16 sign posts and he stated that is the minimum number they have to have.

Mr. Brougham stated going back to August, he had an exchange of emails between Joe Schmitt, himself and his engineering department for the county and essentially, the county

engineer said that number of signs is literally not required by state or county ordinance, but it is their government and they can do what they want. Mr. Cole is saying he has professional liability if he does not put a sign at each crosswalk. Mr. Cole stated he also spoke to Stan Chrzanowski and he agreed that if he was the one having to sign it, he would add them.

Mr. Brougham stated his problem with 16 signs is the way it will look. Mr. Cole indicated he cannot change what he is telling them; he has liability and has to show those signs. Mr. Slater asked what liability he has. Mr. Cole answered he has professional liability as a civil engineer. Mr. Slater asked what statute and what laws he was using as the basis of having to have them. Mr. Cole responded the Florida Department of Transportation.

Mr. Brougham read into the record an email from Joe Schmitt quoting Stan Chrzanowski: *“Researched the signs issue and Stan C. spoke to Terry, after consulting with several folks on the Transportation staff, as well as researching the DOT requirements. Bottom line, there is no requirement to have a sign at every crossing. You should strategically locate the signs so that you forewarn the drivers as they enter the area, but you do not need a sign at every crossing, so long as the crossing is properly marked, zebra striped or piano striped. Example: One (1) as you approach the Hawk’s Nest intersection and the other from the other direction as you approach Mulberry. Really up to the District. You are the government there. Transportation has no real concerns.”*

Mr. Slater asked if he was saying if they, as the body, say “cease and desist”, that is the rule and it takes Mr. Cole off the hook. Mr. Schutt suggested asking their attorney how to take Mr. Cole off the hook. He stated, if he were him and he thought he had liability, he would say, “I’m not going to do it; if you want to get somebody to do it, get another engineer to sign off on it.”

Mr. Zampogna stated from one (1) standpoint, yes; from the other standpoint, the Board would have to hold him harmless or indemnify him. Mr. Schutt asked if they hold Mr. Cole harmless and indemnify him, if that makes the Board harmful. Mr. Zampogna stated if they are looking forward and something does happen, and ultimately there is an accident and somebody gets hit and they sue the District and everybody, and they include...

*Tape 1 ends.*

Mr. Zampogna stated ultimately, that email is incorrect. Mr. Slater stated you are the legal person; find out what it is that states in the law and tell the Board what it is and give them the information to get Mr. Cole off the hook. He said people know how to walk. It is supposed to be a nice community and they are supposed to stay within the speed limit. Mr. Schutt stated they live in a litigious society and if somebody is going to sue, Mr. Cole is not making any money by putting the signs up; he is trying to protect his professional position. The Board needs to either take him off the hook or Mr. Cole says he is not going to install them. Mr. Slater stated it is a self-imposed hook. It says in the email there is none and they need to get a legal opinion. Mr. Brougham indicated they are not going to decide this today. He asked Mr. Zampogna for a firm opinion that Mr. Cole will feel comfortable with, that will allow him to put in fewer signs than he feels appropriate. Mr. Slater indicated he wants the legal opinion. He stated Mr. Cole may think, from a civil engineering point of view, that he has to have them. Mr. Brougham agreed.

Mr. Zampogna stated he understands the direction the Board has given his firm on what to research, but ultimately, Mr. Cole has to make his own decision. If he decides he is not going to do this, it is up to the Board to hire someone else to do it. Mr. Brougham stated the only thing they want clarification on is that Mr. Cole is quoting some professional ethics or Florida DOT law or FDLE or some source that would preclude him from approving that. Mr. Cole indicated, in his opinion, the guidelines in the DOT require the signage as he has discussed. He noted he has tried to limit the amount of signs; for example, he has only placed the advance warning signs in the beginning when you come in the gate and as they approach Mulberry, and then, at the other end of the road, when you approach Cotton Green and on the other side, as you approach Deer Crossing, so rather than having an advance warning sign in front of every crossing, he just put them in front of the groups and then he has a sign at each crossing, as you approach in each direction.

Mr. Curland asked Mr. Brougham if he was saying that on Fiddler's Creek Parkway, and the Parkway going out to the rear gate, they are going to have to have one (1) of these signs at every crosswalk. He stated there are crosswalks on Fiddler's Creek Parkway. Mr. Brougham stated there are sidewalks on both sides of the road. There are crosswalks and they are zebra hatched across each Village entrance. He asked about the rear gate. Mr. Brougham stated there

are crosswalks at this intersection on Championship and Club Center that do not have a pedestrian sign.

Mr. Brougham stated his personal opinion is to get some legal basis they can rely on and from an aesthetics point of view, he will not vote in favor of the project if it includes putting 16 signs out on the roadway. He said he understands the convenience and where this started two (2) or three (3) years ago to put the cuts in the crosswalks so they could roll the baby buggies up, but if it will cost \$65,000 and it will look like a sign farm, personally he will not vote for it.

Mr. Cole advised he would also discuss this with Stan again. He stated, related to this, on this same plan, he has added the three (3), nine (9)-button reflectors at the end of Championship, where it dead ends into Fiddler's Creek Parkway. He indicated these signs will not be placed on a special signpost because they are behind a guard rail and there is also vegetation there. Mr. Brougham advised they want to do that under any circumstances.

Mr. Cole stated he brought back a revised proposal from the contractor, which increased the cost by about \$720; the net change of all of this was about \$720 difference, because they basically moved around some of the signs that they already had, then added the other three (3). He advised he will hold this until next month when they talk about it again.

Mr. Cole stated the next thing he checked on, based on last month's meeting, was Whisper Trace. There were some questions about where a wall is located. Mr. Brougham asked if anyone remembered the name of the gentleman that was there. Mr. Schutt stated it is in the minutes. Mr. Brougham stated they need to contact him. Mr. Cole referred to a diagram and pointed out the corner of Pepper Tree and Bent Creek. He stated this wall extends to the end of Bent Creek and then there is a preserve. He advised he walked back there and there is a wall and a chain link fence going from the wall down into the water and there is water all along here. They cannot put a wall further over because it is a preserve. Mr. Brougham advised he would call Bruce Edwards.

Mr. Cole stated the last item was a discussion about Fiddler's Creek Parkway and 951, as you exit the project, someone apparently turned left and they were going the wrong way. Mr. Slater stated there is not enough light. Mr. Cole stated there was a discussion that the lights at the entrance may have been turned off. He explained it appears that there may not be enough light there, but also, as you approach that intersection headed west, there is a divided highway sign in place that gives the direction that it is a divided highway. Mr. Brougham asked Mr. Cole

for his recommendations. Mr. Cole responded that they could look at increasing the lighting at that entrance. He stated there is a double lamp in the median, but his guess was that it is pretty dim. Mr. Brougham asked Mr. Cole to bring back some recommendations. Mr. Albeit asked him to work with Mark Strain on that. Mr. Cole indicated the divided highway sign is in the correct location, as far as the distance away from the intersection and it looks like it could be moved closer to the edge of the pavement so it can be seen better.

Mr. Robertson asked about installing a street light in the median. Mr. Cole advised they would not do that. It has to be installed on the project entrance side.

Mr. Curland stated, based on their experience with the tree trimming, they should not make any decisions based upon an email from a county employee. He advised he likes Mr. Slater's approach; he wants to find out what the law is, or get a drafted letter from the county saying this code does not apply in this situation.

**c. Manager**

**i. Unaudited Financial Statements as of September 30, 2009**

Mr. Adams presented the Unaudited Financial Statements as of September 30, 2009. He noted they include the accruals collected over the month of October and the early part of November. Mr. Schutt stated it is after the fact, but how did they overrun the legal bill by 175%? Mr. Adams advised him to look at the current month. He stated because they did not have a separate line item, a portion of that will be credited to the foreclosure activities. He said they are posted in the transfer of money that they saw happen in the subsequent month.

Mr. Brougham asked where their funds are deposited. He stated if he looks at the balance sheet, it says SunTrust for \$800,000 and Federated for \$97,000. He asked what Federated is. Mr. Adams responded Federated is one of the money markets that they drew down at the tail end of the year to help with paying bills. He added some of that has actually matured out and has come back into their savings account. Mr. Brougham asked where all of the debt service money is. Mr. Adams responded US Bank. Mr. Brougham stated they are in charge of what happens with that money and Mr. Adams responded affirmatively.

Mr. Schutt stated they need a transfer to make these financials balance because they are obliged to do that, but they have already said they have more legal money in there than they should. He noted they have overrun the legal fees by 173%, but according to Mr. Adams, some of that money will come out of there and they need a transfer to balance the account. He asked if

that means there has to be a reversal of that. Mr. Adams answered the transfer was not made only to balance the account; it was made to be able to pay those bills because they were not paying them out of the general fund and then seeking reimbursement. They were holding the bills and transferring them to the trustee. Once the remedial account was established and funded, then they transferred the money to the operating account to pay those bills. When they see the legal foreclosure expense and the transfer and they see them offsetting exactly in the current financials through November 30<sup>th</sup>, that is how they will see that transaction going forward. He noted as of September 30<sup>th</sup>, they did not have a legal foreclosure line item or expense identified in their budget and the remedial account had not been created at that time for the offsetting expense. Those monies will come back to offset them from the prior year. Mr. Schutt asked if they will end up with a September 30<sup>th</sup> audited report that shows all of these corrections and Mr. Adams responded affirmatively, in early 2010. He advised the Board that they are already in the draft audit stage.

**ii. Unaudited Financial Statements as of November 30, 2009**

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2009.

**iii. NEXT MEETING DATE: January 27, 2010 at 8:00 A.M.**

The next meeting is January 27, 2010 at 8:00 a.m., at this location.

**d. Operations Manager**

Mr. Albeit reported that Mr. Vajen has done tremendous work on trying to monitor the irrigation system. He stated there has been a lot of interaction with landscaping companies and with irrigation companies and there seems to be a significant amount of pressure, from a CDD responsibility. He advised he observed three (3) Villages last week, specifically Mallards, and they visited Mr. Arh's home and did water tests and there is a lot of pressure. He said he has a landscaping issue, but it is not water related. All of his neighbors' landscaping is very plush and green so it looks to be specific to his house. Mr. Albeit stated they did a wet check with three (3) zones running at the same time and had a lot of pressure. They also checked Bellagio, where there were also some issues and concerns. They did four (4) zones at once and still had enough pressure that where one (10 of the heads was off, it was shooting about 20 feet into the sky. The amount of pressure is significant. He indicated he spoke to Martin Arh and he said the wet checks look good and asked what happens during the cycle.

Mr. Vajen indicated that Richard checked Mallards' irrigation on December 12<sup>th</sup> and there is an issue in the cycle; when they ran it, in the last bullet, the pressure was 84 PSI before the filters, coming from the CDD lines, and once it went to the other side of the filter, it was 24 PSI. He said they checked it this morning and, before the filter, it was 80 PSI and after the filter, it was 30 PSI. The mesh may be too fine in the filter. There is too much buildup. They have the filters programmed alternately to flush one (1) on the hour, the other on the half hour. There is no resistance in the line and it is sucking the pressure out into the lake. Mr. Brougham asked if the micron size of the filters can be changed within the existing construct. Mr. Vajen responded affirmatively.

Mr. Albeit stated their recommendation is that on January 6<sup>th</sup> and 7<sup>th</sup>, which are their watering days, they would like to change the cycle from midnight to 8:00 a.m., to 4:00 p.m., to 12:00 a.m., and let every community know they are going to be doing that so that they can get their irrigation companies and their landscaping companies and anyone that has a concern to start testing the filter and have their irrigation person take the filter off. Mr. Brougham stated some of them have wet checks by their landscaper every other week or so, internal to the Village. This would be an observation of the actual cycle being controlled by the computer and zones turning on automatically. Mr. Vajen stated if they progress into a situation where they want to separate CDD cycles from the Village cycles, so no one is speculating that the CDD is taking all of the water while they are trying to run their community, would be step #2.

Mr. Brougham stated he likes the idea and he likes all of the effort put forth, specifically with the residents of Mallards and the landscapers of Bellagio. He advised Mr. Albeit that this is good documentation and he asked him to get it out in multiple communication media to the residents, indicating this is what they have done and this is what we are going to do, and it is up to them to have their landscaper present, or their Board members present, between those hours. He asked Mr. Albeit to be more specific as to what Village will go on at a certain time. Mr. Albeit advised they will call the Presidents and they will send an email blast.

Mr. Schutt asked if all of the other Villages have filters like Mallards. Mr. Vajen responded no. Mr. Schutt asked if any of them have filters. Mr. Vajen stated Cotton Green has filters and Whisper Trace has filters. Mr. Schutt asked if they were the same kind of filters. Mr. Albeit responded "no". Mr. Vajen stated they ran into a situation in Cotton Green where they had too fine of a micron and it was trapping too many fine particles, so they were replaced. Mr.

Brougham expressed his appreciation for their efforts and stated it goes a long way to identify problems to the affected Villages.

Mr. Vajen suggested that the CDD suggest to Mulberry that they put a small inline filter in for each individual home that is tied into the lake water. He noted Mr. Ohye has his in the pink box at the tie-in, so it will not even make it into his supply line and that is the ideal place to have it.

Mr. Albeit asked if the event scheduled for January 6<sup>th</sup> and 7<sup>th</sup> is approved and Mr. Brougham responded affirmatively.

Mr. Robertson asked Mr. Vajen with regard to #7 on his write-up, he says there is a plug that is tapped on one (1) address and he asked what that means; if it is where the homeowner plugged into the CDD line, and Mr. Vajen responded affirmatively. Mr. Robertson asked if the homeowner's line was clogged. Mr. Vajen responded the line feeding his line was plugged. It was before the connection and that has been repaired.

Ms. Crismond reported that after last month's meeting, she met with Ms. Linda Whitehead, a resident at Mallards, to re-do the landscaping at the entryways because of line-of-sight issues and that is underway and should be completed this week. She noted they had an authorization for \$1,000 and the cost was \$450. The main line repair at 7782 Mulberry Lane was completed. They also completed the Championship Drive tree trimming and advised she received the email this morning. They are now in CDD #2.

Ms. Crismond further noted that they are continuing with pressure cleaning. Mr. Schutt asked if they have a list of where they are pressure cleaning. Ms. Crismond advised she does and indicated she provided it in the Management Report from two (2) or three (3) months ago and advised she would get it for him. She stated all the streets and curbs were not pressure cleaned, only the areas with extreme mildew.

Ms. Crismond indicated the street light painting and decorative poles continues. She added she also listed the Patrol Stats, which started after last month's meeting up to the past Friday. There were 38 total stops: 26 were issued to residents, 8 to guests and 4 to vendors; there were 7 citations issued and the remainder were warnings. There were 21 stop signs, 14 speeding, 1 tag violation and 1 equipment violation.

Mr. Curland asked if they used two (2) different vendors to trim Championship Drive and Ms. Crismond responded affirmatively. She added they used one (1) for Deer Crossing and the

other did the perimeter buffer, which started from Mahogany Bend down to Championship Drive. Mr. Curland stated the difference in the trimming was dramatic. He said the residents are very happy with it. Ms. Crismond noted there were two (2) different phases of specifications used for the trimming, depending upon location. The landscape architects that they hired to oversee the project have been reviewing the project in phases to check on the work and the email she received states it is according to the specifications as provided to the contractor, but there are different stages, depending on the location. She added that both contractors were given different sets of specs for that phase.

**EIGHTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors'**

A resident stated he noticed that they are trimming the scheffalera down so that they can see out onto Championship and they have done that before. Ms. Crismond stated she called Cardinal Management about it.

Mr. Robertson stated on the last bullet related to Patrol Services, they are talking about spending thousands of dollars to put up crosswalk signs and yet they continue to have speeding violations down Championship Drive. He asked what they can do to slow it down and noted 26 out of 38 are residents. Mr. Brougham indicated he does not know what they can do, short of urging the Sheriff to issue more citations, but it is up to them.

**NINTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Schutt and seconded by Mr. Brougham,  
with all in favor of adjournment.**

The meeting adjourned at 10:05 a.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman